



CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

April 19, 2004

Date


Shelley P.M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Hills *et al.*

Serial No.: 09/856,400

Filed: May 22, 2001

For: Anti-Asthmatic Combinations Comprising
Surface Active Phospholipids

Group Art Unit: 1616

Examiner: M. Haghighatian

Atty. Dkt. No.: 4040.000300

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114

Mail Stop RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed
on _____

(Any unentered amendments referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously
filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement
(IDS)

ii. ☒ Affidavit(s)/Declarations

iv. ☐ Other _____

2.

Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) **required**)

b. ☐ Other _____

3.

Fees

 The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge any missing fees, or credit any overpayment, to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4040.000300.

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$1,190.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

Respectfully submitted,

Williams, Morgan & Amerson, P.C.
Customer No. 23720



Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458
Agent for Applicants

10333 Richmond, Suite 1100
Houston, Texas, 77042
(713) 934-4079

Date: April 19, 2004



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April 19, 2004

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Shelley P.M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hills, Woodcock & Staniforth

Serial No.: 09/856,400

Filed: May 22, 2001

For: Anti-Asthmatic Combinations Comprising
Surface Active Phospholipids

Group Art Unit: 1616

Examiner: M. Haghighatian

Atty. Dkt. No.: 4040.000300

**AMENDMENT; AND RESPONSE TO
SECOND OFFICE ACTION FOR ENTRY WITH RCE**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

The Examiner is respectfully requested to enter the following amendments. A response to the second and Final Official Action dated June 16, 2003 ("the second Action") and an expert declaration are also timely submitted, and the Examiner is respectfully requested to consider the remarks therein. The response is timely in light of the enclosed request for extension of time and appropriate fee. All claims are believed to be in condition for allowance and re-examination and reconsideration is respectfully requested on this basis.